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Letter dated 22 May 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Turkmenistan, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

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Annex

Note verbale dated 21 May 2002 from the Permanent Mission of Turkmenistan to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Representative of Turkmenistan presents his compliments to the Chairman of the Counter-Terrorism Committee and has the honour to enclose the report of Turkmenistan submitted pursuant to paragraph 6 of Security Council resolution 1373 (2001) (see enclosure).

Enclosure

[Original: Russian]

Report of Turkmenistan on measures to implement Security Council resolution 1373 (2001)

Introduction

Turkmenistan, as a fully-fledged member of the world community, strictly complies with the principles and norms of the United Nations, which have taken and continue to take priority in the country's foreign-policy strategy. For Turkmenistan, the United Nations is a major, universal body that takes decisions on vital international questions. For that reason, Turkmenistan favours the strengthening and broadening of the role of the United Nations in the present-day world. In addition, our country considers that international law and the United Nations Charter, based on the principles of the love of peace, equality of rights, respect for peoples, their rights and sovereignty, and the choice of the path of development, remain the basis of the world order in this new century. This is in keeping with the principles of Turkmenistan as a neutral State and with the whole philosophy of its foreign policy and its 10 years' experience of participation in regional and world affairs.

On this basis, Turkmenistan shares the determination of the international community to carry on the war against terrorism in accordance with the United Nations Charter and the international instruments adopted by the United Nations. In that connection, Turkmenistan plays an active role in the practical implementation of all relevant resolutions of the General Assembly and the Security Council, and especially resolution 1373 (2001), adopted by the Security Council on 28 September 2001.

Condemning the terrorist acts that took place in the United States of America on 11 September 2001, the Government of Turkmenistan adopted a series of measures designed to assist in the implementation of international counter-terrorist activities. Turkmenistan will continue its practical actions to implement United Nations resolutions concerning counter-terrorism.

This report is submitted with a view to providing information on the measures that have been taken or are being taken to implement Security Council resolution 1373 (2001).

Overview

On 14 September 2001, the Ministry of Foreign Affairs, on behalf of the President and Government of Turkmenistan, declared support for the creation of an international anti-terrorist coalition. In the official government statement, it was stated in particular that Turkmenistan, as a State whose neutral status was accepted by the international community as represented by the United Nations, considered it appropriate that such a coalition should be formed and that its activities should be carried out under United Nations auspices. It was also noted that that would make it possible to elaborate a system under which no terrorist manifestation taking place at any point on the globe would go unpunished.

Strictly following such a position, and considering that the humanitarian aspects constitute a major factor in the struggle against terrorism, the Government of Turkmenistan has adopted a number of practical measures to support the international community in the delivery of humanitarian aid to the population of Afghanistan.

In this connection, Turkmenistan has made its air and land space available for the transport of humanitarian cargoes sent by international organizations to Afghanistan under United Nations auspices.

In essence, the Turkmen corridor has become one of the most important in the delivery of humanitarian cargoes to Afghanistan. The Government of Turkmenistan, under the leadership of President S. A. Niyazov, has taken a series of organizational measures to coordinate the activities of the State organs of Turkmenistan in order to ensure the non-stop functioning of the humanitarian corridor to Afghanistan. The Government of Turkmenistan has provided the requisite number of warehouses for the storage of arriving humanitarian cargoes; the goods are in safe keeping, and the conditions have been created for their transport to Afghanistan. As a result of these effective measures, over 40 per cent of all humanitarian cargoes heading for Afghanistan under the aegis of international organizations have been conveyed through Turkmenistan.

Specific measures

Paragraph 1 of the resolution

Subparagraphs (a) and (c):

In Turkmenistan, there are no organizations either directly or indirectly linked to terrorism. Nevertheless, exhaustive and very rigorous measures have been taken in the implementation of paragraph 1 to prevent and suppress any financing of terrorist acts. In implementing the international rules and in order to prevent and suppress the financing of terrorism, the banks and other financial institutions of Turkmenistan submit information on persons and organizations having links with terrorist activities.

In this regard, the banking and other financial institutions of Turkmenistan will continue to monitor strictly the ban on the emergence of sources of financing of terrorism.

Subparagraphs (b) and (d):

The Criminal Code of Turkmenistan provides for criminal liability in respect of terrorism (article 271), and this also applies to any actions connected with the preparation and conduct of terrorist acts. In the territory of Turkmenistan there have been no cases of the provision or collection of funds with the intention that the funds should be used, or in the knowledge that they are to be used in order to carry out terrorist acts.

Under article 6 of the Constitution of Turkmenistan, the legislation of Turkmenistan recognizes the supremacy of generally accepted rules of international law. In that connection, the provisions of international treaties to which Turkmenistan is a party have direct force of law. At the present time the competent

organs of Turkmenistan are considering the process of accession to the International Convention for the Suppression of the Financing of Terrorism, adopted in New York on 9 December 1999.

Paragraph 2 of the resolution

Subparagraphs (a), (b), (c), (d) and (e):

The leadership of Turkmenistan has adopted adequate measures to implement the above-mentioned subparagraphs. Close collaboration and coordination are maintained among all the relevant organs of Turkmenistan, in the work of averting the possible cases enumerated in this part of the resolution. Particular attention is devoted to the exchange of information with a view to preventing such crimes. In order to avert crimes directly or indirectly related to terrorism, the law-enforcement organs of Turkmenistan in their day-to-day activities are constantly performing work of a routine preventive nature.

Turkmenistan, within the framework of international conventions concerning counter-terrorism to which Turkmenistan is a party, has assumed the responsibility of providing legal assistance in connection with criminal proceedings undertaken in the context of terrorist crimes. In addition, questions involving the provision of legal assistance are reflected in a number of multilateral and bilateral treaties to which Turkmenistan is a party.

The Criminal Code of Turkmenistan, adopted by the Act of 12 June 1997, imposes criminal liability for a number of crimes against the person and against the peace and security of mankind and the State, including the recruitment, training, financing or other material support of mercenaries, as well as their use in armed conflicts or in any other military actions.

Subparagraphs (f) and (g):

Turkmenistan expresses its readiness to afford full assistance when necessary in connection with criminal investigations or criminal proceedings relating to the financing or support of terrorist acts, including assistance in obtaining evidence in its possession necessary for the proceedings. In the light of this resolution, the leadership of the country has taken additional measures to enhance the effectiveness of border controls and controls on issuance of identity papers and travel documents, as well as measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents with a view to preventing the movement of terrorists or terrorist groups. The Criminal Code of Turkmenistan also provides for the prosecution of persons who steal or deface documents, stamps, seals and forms, or persons who forge documents or prepare or sell forged documents, stamps, seals and forms or who utilize false documents.

Paragraph 3 of the resolution

Subparagraphs (a), (b) and (c):

In accordance with the concept of the foreign policy of Turkmenistan as a neutral State and the Constitutional Act on the Permanent Neutrality of Turkmenistan of 27 December 1995, and as a party to the International Convention for the Suppression of Terrorist Bombings, of 15 December 1997, Turkmenistan will

not possess, manufacture or distribute nuclear, chemical, bacteriological or other types of weapons of mass destruction.

The law-enforcement organs of Turkmenistan, in their day-to-day activities within their field of competence, implement measures to prevent terrorism and arms-and-drug-trafficking, and to combat organized crime. In this connection, on the basis of international instruments and the national legislation of Turkmenistan, they maintain the relevant cooperation with the competent organs of other States, including exchange of the necessary information.

Subparagraphs (d) and (e):

Since 30 April 1999, Turkmenistan has been a party to the following international conventions on the war against terrorism:

- International Convention for the Suppression of Terrorist Bombings (New York, 15 December 1997);
- Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo, 14 September 1963);
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 23 September 1971);
- Convention for the Suppression of Unlawful Seizure of Aircraft (The Hague, 16 December 1970);
- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (Rome, 10 March 1988);
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Rome, 10 March 1988);
- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (New York, 14 December 1973);
- International Convention against the Taking of Hostages (New York, 17 December 1979);
- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 24 February 1988).

Turkmenistan is currently studying the question of accession to the following international conventions:

- International Convention for the Suppression of the Financing of Terrorism (9 December 1999);
- Convention on the Physical Protection of Nuclear Material (3 March 1980);
- Convention on the Marking of Plastic Explosives for the Purpose of Detection (1 March 1991).